

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RUSTY LAPALME,

Defendant/Petitioner,

v.

UNITED STATES OF AMERICA,

Plaintiff/Respondent.

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Case No. 06-20465-50

Honorable Nancy G. Edmunds

ORDER DENYING CERTIFICATE OF APPEALABILITY

On July 31, 2014, this Court denied Petitioner's motion to vacate, set aside, or correct sentence, brought pursuant to 28 U.S.C. § 2255. This matter is now before the Court on Petitioner's motion for a certificate of appealability [2615] pursuant to 28 U.S.C. § 2253. The court may issue a certificate of appealability if the petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

[T]he petitioner need not show that he should prevail on the merits. He has already failed in that endeavor. Rather, he must demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner] or that the questions are "adequate to deserve encouragement to proceed further."

*Barefoot v. Estelle*, 463 U.S. 880, 893 n. 4 (1983); *Hence v. Smith*, 49 F. Supp. 2d 547, 549 (E.D. Mich. 1999).

For the reasons stated in the Court's Order denying Petitioner's motion to vacate, set aside, or correct sentence [2611], this Court reiterates its finding that Petitioner has not made a substantial showing of the denial of a federal right with respect to any of his claims.

Being further advised in the premises and having read the pleadings, the Court hereby  
DENIES Petitioner's motion for a certificate of appealability.

SO ORDERED.

S/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: August 20, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record  
on August 20, 2014, by electronic and/or ordinary mail.

S/Carol J. Bethel  
Case Manager